

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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CALVIN WARREN,

Plaintiff,

vs.

GEORGE BUSH, etc., *et al.*,

Defendant,

2:08-cv-821-JCM-RJJ

REPORT & RECOMMENDATION
OF UNITED STATES
MAGISTRATE JUDGE

This matter is before the Court on Plaintiff's Application for Leave to Proceed *In Forma Pauperis* (#1).

The Court having reviewed this matter makes the following findings:

1. On June 24, 2008, Plaintiff, Calvin Warren, filed an Application for Leave to Proceed *In Forma Pauperis* (#1) with a Complaint (Attachment #2) attached thereto.
2. On June 30, 2008, the Court issued an Order (#2) scheduling a hearing on the Application (#1) for July 23, 2008, at 9:00 A.M.
3. The Order (#2) was served by U.S. Postal Service Certified Mail. *See*, Certified Mail Receipt (#3).
4. The Certified Mail was signed for on July 1, 2008. *See*, Domestic Return Receipt (#4).
5. Plaintiff did not appear at the hearing scheduled for July 23, 2008. Further, the Plaintiff failed to contact the Court regarding his non-appearance.

1 6. Plaintiff has not filed any other pleadings or documents in the case as of June 24,
2 2008.

3 7. Plaintiff appears to have abandoned this case.

4 **RECOMMENDATION**

5 Based on the foregoing and good cause appearing therefore,

6 IT IS THE RECOMMENDATION of the undersigned Magistrate Judge that this case be
7 **DISMISSED WITH PREJUDICE** for want of prosecution pursuant to LR 41-1.

8 **NOTICE**

9 Pursuant to Local Rule IB 3-2 [former LR 510-2] any objection to this Report and
10 Recommendation must be in writing and filed with the Clerk of the Court within ten (10) days
11 after service of this Notice. The Supreme Court has held that the courts of appeal may determine
12 that an appeal has been waived due to the failure to file objections within the specified time.
13 Thomas v. Arn, 474 U.S. 140 (1985), reh'g denied, 474 U.S. 1111 (1986). This Circuit has also
14 held that (1) failure to file objections within the specified time and (2) failure to properly address
15 and brief the objectionable issues waives the right to appeal the District Court's order and/or
16 appeal factual issues from the order of the District Court. Martinez v. Ylst, 951 F.2d 1153 (9th
17 Cir. 1991); Britt v. Simi Valley United Sch. Dist., 708 F.2d 452, 454 (9th Cir. 1983).

18 DATED this 10th day of September, 2009.

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22 ROBERT J. JOHNSTON
23 United States Magistrate Judge
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